

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**November 10, 2003**

**IN RE:**

**APPLICATION OF JACKSON ENERGY  
AUTHORITY FOR A CERTIFICATE OF  
CONVENIENCE AND NECESSITY**

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**DOCKET NO.  
03-00438**

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**AGREED ORDER PERMITTING QUESTIONS FROM  
THE AUTHORITY STAFF DURING THE HEARING**

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This matter came before the Hearing Officer for the approval of the agreement of the Parties to permit the limited participation of the Authority Staff at the Hearing in this proceeding scheduled for November 10, 2003.

The Parties agree that the Authority Staff will be permitted to ask questions of witnesses during the Hearing. It is understood by the Parties that the Authority Staff will not become or be deemed a Party by its participation during the Hearing.

After discussion with the Parties and a review of the record in this matter, the Hearing Officer finds and concludes that:

1. There are technical issues in this proceeding causing the Authority to benefit from the participation of the Authority Staff in the Hearing;
2. To the extent that the Authority Staff refrains from questioning which tends to suggest the espousal of one Party's position over the other, the participation of the Authority Staff does not remove them from the role of advisor;
3. The participation in the questioning of witnesses by the Authority Staff does not create an inference that the Authority Staff has become a Party to this proceeding; and

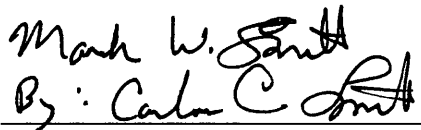
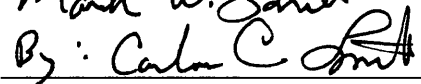
4. The Authority Staff's questions of a witness will follow the Parties' direct and cross-examination of a witness and will precede re-direct examination of a witness.

**IT IS THEREFORE ORDERED THAT:**

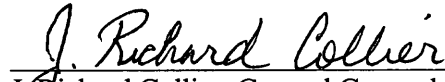
1. Members of the Authority Staff of the Tennessee Regulatory Authority shall be allowed to pose questions directly to the witnesses in this case proceeding;


2. Questions from the Authority Staff will follow the Parties' direct and cross-examination of a witness and will precede re-direct examination of a witness; and

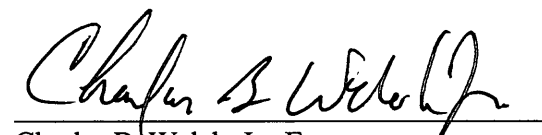
3. The Parties have agreed that presenting questions does not remove the Authority Staff from its role as advisors, and in no way creates the inference that the Authority Staff has become a Party to the proceeding or has acted outside of its purely advisory capacity;

  
By: 

Mark Smith, Esq.  
Strang, Fletcher, Carriger, Walker,  
Hodge & Smith, PLLC  
400 Krystal Building  
One Union Square  
Chattanooga, TN 37402-2514  
Counsel for Jackson Energy Authority

  
J. Richard Collier, General Counsel  
serving as Hearing Officer

  
Henry Walker, Esq.  
Boult, Cummings, Conner & Berry  
414 Union Street, Suite 1600  
Nashville, TN 37219-8062  
Counsel for Aeneas Communications, LLC

  
Charles B. Welch, Jr., Esq.  
Farris, Mathews, Branam, Bobango & Hellen, PLC  
618 Church St., Suite 300  
Nashville, TN 37219  
Counsel for Charter Communications, Inc.